

Case 5:04-cv-01191 Document 2 Filed 11/05/04 Page 1 of 5 PageID #: 8  
IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

MARCUS Williamson  
PLAINTIFF

vs.

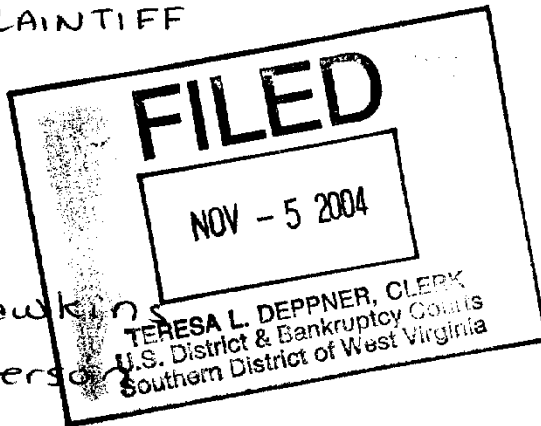
D. Pritt  
D. Cayales

(John Doe) Hawkins

Marty C. Anderson

Kim White

Harrell Watts



Case # 5:04-1191

Jury Trial

Counsel REQUESTED

Motion FOR CIVIL RIGHTS VIOLATION

PRELIMINARY STATEMENT:

This is a civil rights action filed by Marcus Williamson, a Federal prisoner, for damages and relief under 28 U.S.C. §§ 1331(a) and 1343, alleging improper strip search and misconduct of staff in violation of the United States Constitutional rights. (Eighth and Fourth Admendment).

JURISDICTION:

The court has jurisdiction over the plaintiff's claim of violation of Federal Constitutional rights under 28 U.S.C. §§ 1331(a) and 1343.

PARTIES:

The plaintiff, Marcus Williamson is incarcerated at Federal Correctional Institutional Facility (Beckley) during the events described in this complaint.

DEFENDANT(S)

D. Pritt (SHU # 3 officer); Douglas Cayales (SHU # 1 officer); (John Doe) Hawkins (correctional officer); Marty C. Anderson (Warden); Harrell Watts (BOP Central Office Administrator); Kim White (Region Director). All defendants have acted and continued to act under color of Federal law at all times relevant to this complaint. They are sued in their individual capacities.

## FACTS

1. The plaintiff was sent to the SHU December 31, 2003, charged with fighting with another inmate. Defendant D. Pritt (SHU # 3 officer) performed a body strip search on the plaintiff when he was brought to the SHU.

2. Defendant Pritt performed four different strip searches on the plaintiff in the viewing of inmate (orderlies) and staff. The plaintiff complied with the defendant on the first search, although he insist that the plaintiff was in non-compliance. He stated to the plaintiff after the first one "You aren't doing it right", and left out the holding cell while the plaintiff was standing in the nude view by inmates and staff (The main door open).

Inmates were taking the morning segregation carts out and could see the plaintiff standing naked in the holding cell. On the door and in the holding cell room states "This door should be closed at all times".

3. Defendant Hawkins walked by several times and the plaintiff asked him for some clothes to put on; He said, "No, you can't have any clothes

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and the officer (Defendant Pitt) does not have a name".

4. Defendant Pitt returned with defendant Cayales and the plaintiff asked defendant Cayales for some clothes to put on and he said "No, You have to do the strip search".

5. Orderlies were watching the plaintiff as they walked by, and the plaintiff had no clothes on during this time.

6. Defendant Pitt excuse was that I wasn't squatting all the way down when the plaintiff followed the instructions of the defendant on each occasion.

### DELIBERATE INDIFFERENCE / CRUEL AND UNUSUAL PUNISHMENT

The defendants D. Pitt, John Doe Hawkins; and D. Cayales intentionally ordered the plaintiff to perform the four strip searches on purpose. Defendant Pitt is known for treating inmates with hardship. Making the plaintiff perform the strip search four different times was cruel and unusual when he complied on the first time, and leaving the plaintiff standing in the holding cell naked was unprofessional and disgraceful to the plaintiff. This is in violation of the plaintiff Constitution al rights (Eighth Admendment).

Defendant Hawkins actions were unprofessional and was cruel and unusual. He could have handle or considered that the plaintiff was being treated cruelly (by standing naked and performing a unreasonable search) and took

proper precautions for the plaintiff. Instead, he thought it was funny and amusing to see a inmate being treated as such.

Defendant Cayales intentionally acted in deliberate indifference by not giving the plaintiff any clothes and allowing the door to remain open while others could view the plaintiff.

It presented a dangerous opportunity for the dehumanizing humiliation to the plaintiff. The plaintiff is suffering emotional stress, and is back on medication (EFFECTSOR) with increase dosage for mental depression. It is stated by the plaintiff in his PSR that he went threw sexual abuse at the age of seven years old, and he is verbally insulted by other inmates. A prisoner always fear a homosexual attack, and leaving the plaintiff naked serves the purposes of making him feel even more vulnerable.

### Conspiracy

The defendants Marty C. Anderson; Kim White; and Harrell Watts was conspiring with the defendants when they claim they did a reasonable investigation. Defendant Marty C. Anderson could have set up a meeting with the plaintiff and defendants D. Pritt; D. Cayales; and (John Doe) Hawkins due to the seriousness of the offense to determine who was telling the truth. Instead, he protected his employees to the best to his knowledge. Defendant Kim White and Harrell Watts obviously just went along with the other defendants and Marty C. Anderson scenario and bogus investigation.

Relief Requested

Wherefore the plaintiff requests that the court grant the following relief:

A. The physical and emotional abuse of the plaintiff by defendants Darrell Pritt; Douglas Cayales; (John Doe) Hawkins; Marty C. Anderson; Kim White; and Harrell Watts for violating the plaintiff's rights under the Fourth and Eighth Amendment of the United States Constitution and was a conspiracy.

B. Award compensatory/punitive damages jointly and severely against:

1. Defendants Darrell Pritt; Douglas Cayales; and (John Doe) Hawkins for the cruel and unusual punishment and emotional injuries sustained as a result of the plaintiff's strip search.
2. All the above defendants for conspiring against the plaintiff and the emotional, mental, and any other injuries this court see fit.

C. Award any other damages that the court may see appropriate to the public interest for the unprofessionalism of the above defendants.

Date: 10-23-04

Marcus Williams